

Senate File 562 - Reprinted

SENATE FILE 562
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 372)

(As Amended and Passed by the Senate March 17, 2021)

A BILL FOR

1 An Act relating to sexual exploitation by an adult providing
2 training or instruction, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 12, Code 2021, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, ~~or~~ school employee, or adult providing training or*
5 *instruction.* An action for damages for injury suffered as
6 a result of sexual abuse, as defined in [section 709.1](#), by a
7 counselor, therapist, ~~or~~ school employee, or adult providing
8 training or instruction, as defined in [section 709.15](#), or as
9 a result of sexual exploitation by a counselor, therapist, ~~or~~
10 school employee, or adult providing training or instruction
11 shall be brought within five years of the date the victim was
12 last treated by the counselor or therapist, or within five
13 years of the date the victim was last enrolled in or attended
14 the school.

15 Sec. 2. Section 692A.102, subsection 1, paragraph b,
16 subparagraph (11), Code 2021, is amended to read as follows:

17 (11) Sexual exploitation by a counselor, therapist, ~~or~~
18 school employee, or adult providing training or instruction in
19 violation of [section 709.15](#), if the victim is thirteen years of
20 age or older.

21 Sec. 3. Section 692A.102, subsection 1, paragraph c,
22 subparagraph (28), Code 2021, is amended to read as follows:

23 (28) Sexual exploitation by a counselor, therapist, ~~or~~
24 school employee, or adult providing training or instruction in
25 violation of [section 709.15](#), if the child is under thirteen
26 years of age.

27 Sec. 4. Section 702.11, subsection 2, paragraph d, Code
28 2021, is amended to read as follows:

29 d. Sexual exploitation by a counselor, therapist, ~~or~~
30 school employee, or adult providing training or instruction in
31 violation of [section 709.15](#).

32 Sec. 5. Section 709.15, subsection 1, Code 2021, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. 0a. "Adult providing training or instruction"
35 means an adult who is not a school employee who provides

1 paid training or instruction to a minor outside of a school
2 setting. "*Adult providing training or instruction*" includes
3 but is not limited to an adult who provides paid training or
4 instruction related to the use of firearms, athletics outside
5 of a school setting, or any other activities which result in a
6 minor receiving a certificate or license. For purposes of this
7 paragraph, "*adult*" is a person age eighteen years or older who
8 is four or more years older than the minor receiving training
9 or instruction.

10 Sec. 6. Section 709.15, Code 2021, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. a. Sexual exploitation by an adult
13 providing training or instruction occurs when any of the
14 following are found:

15 (1) A pattern or practice or scheme of conduct to engage in
16 any of the conduct described in subparagraph (2).

17 (2) Any sexual conduct with a minor for the purpose
18 of arousing or satisfying the sexual desires of the adult
19 providing training or instruction or the minor. Sexual conduct
20 includes but is not limited to the following:

21 (a) Kissing.

22 (b) Touching of the clothed or unclothed inner thigh,
23 breast, groin, buttock, anus, pubes, or genitals.

24 (c) A sex act as defined in section 702.17.

25 b. Sexual exploitation by an adult providing training or
26 instruction does not include touching that is necessary in the
27 performance of the adult's duties while providing training or
28 instruction.

29 c. This subsection only applies to an offense which
30 occurs within the period of time the adult providing training
31 or instruction was receiving payment for the training or
32 instruction.

33 Sec. 7. Section 709.15, Code 2021, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 6. a. An adult providing training or

1 instruction who commits sexual exploitation in violation of
2 subsection 3A, paragraph "a", subparagraph (1), commits a class
3 "D" felony.

4 *b.* An adult providing training or instruction who commits
5 sexual exploitation in violation of subsection 3A, paragraph
6 "a", subparagraph (2), commits an aggravated misdemeanor.

7 Sec. 8. Section 802.2A, subsection 2, Code 2021, is amended
8 to read as follows:

9 2. An indictment or information for sexual exploitation by a
10 counselor, therapist, ~~or~~ school employee, or an adult providing
11 training or instruction under section 709.15 committed on or
12 with a person who is under the age of eighteen shall be found
13 within fifteen years after the person upon whom the offense is
14 committed attains eighteen years of age. An information or
15 indictment for any other sexual exploitation shall be found
16 within ten years of the date the victim was last treated by the
17 counselor or therapist, or within ten years of the date the
18 victim was enrolled in or attended the school.